

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Status of the Claims**

Claims 1 and 3-9 are pending in this application. All of the pending claims stand rejected. By this amendment, claims 1 and 3-9 are canceled without prejudice or disclaimer. New claims 10-15 are added. No new matter has been added by this amendment.

#### **Rejections under 35 U.S.C. §§102 and 103**

Claims 1, 3-5 and 7-9 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,771,315 to Nanjo et al. ("Nanjo"). Claim 6 has been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Nanjo1 in view of JP 11-064923 to Nanjo Yusuke ("Yusuke").

As indicated above, the rejected claims (i.e., claims 1 and 3-9) have been canceled thereby rendering the rejections directed to these claims moot.

#### **New Claims**

Claims 10-15 have been added to recite the claimed invention in an alternative manner. Specifically, new claim 10 is directed to an optical apparatus comprising a light-quantity adjusting apparatus which again comprises, *inter alia*, "plural light-blocking members ...; a neutral density filter ...; and a drive mechanism ..."

In particular, claim 10 further recites that "wherein the drive mechanism includes a first drive member that receives the drive force from the drive source to be operated to drive the plural light-blocking members, and a second drive member that receives drive force from the first drive member to be operated to drive the neutral density filter, and wherein the second drive

member does not receive the drive force from the first drive member until the area of the light-passing aperture reaches a predetermined area, and receives the drive force from the first drive member after the area of the light-passing aperture reaches the predetermined area to be operated to drive the neutral density filter at a moving speed higher than that of the plural light-blocking members with respect to the fixed opening." Support for the new claims may be found, e.g., at paragraphs [0109] through [0134] along with Figs. 12-17 of the specification as originally filed.

These features of the present invention enables a section in which a modulation transfer function (MTF) is deteriorated by small-aperture diffraction to be small (i.e., a time period in which the MTF is deteriorated by the small-aperture diffraction can be shortened) because the neutral density filter quickly covers the light-passing aperture. More specifically, in comparison with the conventional light-quantity adjusting apparatus shown in FIG. 18, the time period of the deterioration of the MTF caused by the small-aperture diffraction can be shortened to a temporary period. See, also, paragraph [0083] of the original specification.

Nanjo discloses that, as shown in FIGs. 9 to 11, the rotating plate 31 is rotated by the motor 30, and the diaphragm blades 2A, 3A are thereby driven to change the size of the diaphragm aperture and the ND filter holding member 5A is also driven with respect to the diaphragm aperture. The drive of the ND filter holding member 5A with respect to the diaphragm aperture is started when the drive of the diaphragm blades 2A, 3A from a full-open aperture position is started. See, e.g., FIG. 11 of Nanjo. However, there is simply nothing in Nanjo that shows or suggests the inventive aspect of the present application in which "the second drive member does not receive the drive force from the first drive member until the area of the light-passing aperture reaches a predetermined area" as specifically recited in claim 10.

Applicant further believes that Nanjo fails to show or suggest another aspect of the present invention in which the second drive member "receives drive force from the first drive member ... to be operated to drive the neutral density filter" as specifically recited in claim 10. Applicant notes that Nanjo merely discloses in FIG. 11 (i.e., at a motor rotational angle from 50 to 60 degrees) that the ND filter is driven "at a moving speed higher than that of the light-blocking members with respect to the fixed opening."

Yusuke discloses that the motor 28 drives the light-blocking members 3 and 4 and the ND filter holding member 5 via the rotating arm 29. However, as Applicant understands it, Yusuke does not disclose or teach the above-described features of the present invention.

Accordingly, each of claim 10, and claims 11-15 in depending from claim 10 either directly or indirectly, is believed allowable over the cited references (i.e., Nanjo and Yusuke), either taken alone or in combination, for at least the reasons discussed above.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. However, these statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Applicant believes that the application as amended including the new claims is in condition for allowance and such action is respectfully requested.

**AUTHORIZATION**

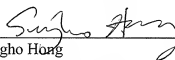
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5175). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: July 18, 2008

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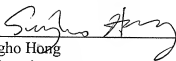
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